IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.9445 OF 2004

Shri Anil Baban Kuchekar, .. Petitioner

Vs

1. Shri Prakash Arjun Pathare

and ors. .. Respondents

Mr B.P.Abhale, for the petitioner.

Mr D.A.Patil, AGP for the respondents-State.

CORAM : D.B.BHOSALE,J.

DATE : 20th December, 2004.

PC:

1. Heard the learned counsel for the parties.

2. Both the authorities below have concurrently held that the petitioner got a third child on 9.1.2002 and, therefore, has incurred disqualification under section 14(1)(J-1) of the Bombay Village Panchayat Act, 1958. Mr Abhale, learned counsel for the petitioner, however, submitted that an enquiry as contemplated under clause (J-1) of sub-section (1) of Section 14 was not conducted properly by the authorities below and hence the matter be remanded for conducting proper enquiry after giving an opportunity of being heard to the petitioner. He further submitted that, according to the petitioner, the said third child is not his child. On the other hand,

learned AGP, placed reply affidavit on record stating that the petitioner had admitted in his statement recorded by the Circle Inspector during enquiry that he has three children. The birth certificate of the third child was also placed on record. Keeping that in view and considering that there are concurrent findings recorded by both the Courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of fact, the present writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.BHOSALE, J.)